

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN ASSEMBLY MAY 6, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 759**

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**Introduced by Assembly Member Daly**

February 21, 2013

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An act to amend ~~Sections 7570, 7574.14, 7580.6, 7580.12, 7581, 7581.1, 7581.3, 7582.05, 7582.1, 7582.11, 7582.13, 7582.2, 7582.20, 7582.22, 7582.26, 7582.27, 7582.3, 7582.5, 7582.9, 7583, 7583.1, 7583.2, 7583.21, 7583.38, 7583.39, 7583.42, 7583.46, 7583.6, 7583.7, 7583.9, 7586, 7588, and 7590.3 of, to amend the heading of Article 4 (commencing with Section 7583) of Chapter 11.5 of Division 3 of, and to repeal and add Section 7580.2 of, the Business and Professions Code, to amend Section 53069.8 of the Government Code, to amend Section 512 of the Labor Code, to amend Sections 11105.4 and 22835 of the Penal Code, and to amend Sections 120220.5 and 125220 of the Public Utilities Code, relating to private patrol operators Section 6980.12 of the Business and Professions Code, relating to alarm companies, and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 759, as amended, Daly. ~~Private patrol operators. Alarm companies.~~

*Existing law provides for the licensure and regulation of locksmiths and the registration of employees of locksmiths by the Bureau of Security*

*and Investigative Services in the Department of Consumer Affairs. Existing law exempts from that regulation and licensure or registration certain individuals and practices, including, among others, a person registered with the bureau as an employee of a reposessor, if the duties of the person that constitute locksmithing are ancilliary to the primary duties and functions of the person's position. Existing law also provides for the licensure and regulation of alarm company operators and the registration of employees of alarm companies by the bureau.*

*This bill would expand the exemption from licensure as a locksmith or registration as an employee of a locksmith to include a person registered with the bureau as an employee of an alarm company operator if the duties of the person that constitute locksmithing are ancilliary to the primary duties and functions of the person's position.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law generally regulates private security services, including, among other things, requiring the licensing of private patrol operators, as defined, and imposing various restrictions and obligations on private patrol operators, as specified.~~

~~This bill would replace the term private patrol operator with the term private security contractor for these purposes. The bill would make related, conforming changes. The bill would additionally provide that for those purposes, the term "security officer" includes the terms "security guard," "guard," "patrolperson," and "watchman."~~

~~Existing law requires the Chief of the Bureau of Security and Investigative Services to issue a license, the form and content of which shall be determined by the chief, as specified, to any private patrol operator licensee, as specified.~~

~~This bill would require the bureau to post these licenses on the bureau's Internet Web site and would provide that the license is effective upon posting on the Internet Web site.~~

~~Existing law requires any advertisement by a private patrol operator to contain specified information, and defines "advertisement" for those purposes.~~

~~This bill would include within the definition of "advertisement" for those purposes, an Internet Web site and social media, as defined.~~

~~Existing law establishes certain criteria to be met in order for a person to become a qualified manager of a private patrol operator.~~

~~This bill would add to those criteria the requirements that the person has 2080 hours of experience as a security guard or an equivalent amount~~

of military experience, as specified, is currently registered as a security guard, and has 2080 hours of experience as a manager of a private patrol operator. The bill would provide that a qualified manager may not be employed as a qualified manager by more than 5 corporations or other business entities simultaneously.

Existing law prohibits a private patrol operator or officer, director, partner, manager, or employee of a private patrol operator from using or wearing a badge, except while engaged in guard or patrol work and while wearing a distinctive uniform, with specified patches.

This bill would provide that the distinctive uniform for those purposes may consist of a police style uniform. The bill would also provide that a private security contractor or officer, director, partner, manager, or employee of a private security contractor, who is unarmed, may wear a business suit, blazer, or polo shirt provided that the person also displays a company issued photo identification designating the person's name, employing company, and employee number, in lieu of specified badge and uniform patch requirements.

Existing law provides that the Director of Consumer Affairs may require an applicant for a private patrol operator license, or his or her manager, to demonstrate his or her qualifications by a written or oral examination, or a combination of both.

This bill would provide that the examination results would be valid for no more than 7 years after expiration of the license, unless reauthorized by the bureau.

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 6980.12 of the Business and Professions
- 2     Code is amended to read:
- 3     6980.12. This chapter does not apply to the following persons:
- 4     (a) Any person, or his or her agent or employee, who is the
- 5     manufacturer of a product, other than locks and keys, and who
- 6     installs, repairs, opens, or modifies locks or who makes keys for
- 7     the locks of that product as a normal incident to its marketing.
- 8     (b) Employees who are industrial or institutional locksmiths,
- 9     provided that the employees provide locksmith services only to a
- 10    single employer that does not provide locksmith services for hire
- 11    to the public for any consideration or compensation whatsoever.

1 (c) Tow truck operators who do not originate keys for locks and  
2 whose locksmith services are limited to opening motor vehicles.

3 (d) Any person employed exclusively and regularly by a state  
4 correctional institution, or other state or federal agency, and who  
5 does not provide locksmith services for hire to the public for any  
6 consideration or compensation whatsoever.

7 (e) Any person registered with the bureau pursuant to Chapter  
8 11 (commencing with Section 7500) or *Chapter 11.6 (commencing*  
9 *with Section 7590)* if the duties of that person's position that  
10 constitute locksmithing are ancillary to the primary duties and  
11 functions of that person's position.

12 (f) Any agent or employee of a retail establishment that has a  
13 primary business other than providing locksmith services, providing  
14 all of the following criteria are met:

15 (1) The services provided by the retail establishment are limited  
16 to rekeying and recombination of locks.

17 (2) All rekeying, recombination, and installation of locks must  
18 take place on the premises of the retail establishment.

19 (3) All rekeying, recombination, and installation services  
20 provided by the retail establishment subject to this chapter are  
21 limited to locks purchased on the retail establishment's premises  
22 and are conducted prior to purchasers taking possession of the  
23 locks.

24 (4) No unlicensed agent or employee of the retail establishment  
25 shall advertise or represent himself or herself to be licensed under  
26 this chapter, and no agent or employee of the retail establishment  
27 shall advertise or represent himself or herself to be a locksmith.

28 (5) No agent or employee of the retail establishment shall design  
29 or implement a master key system, as defined in subdivision (o)  
30 of Section 6980.

31 (6) No agent or employee of the retail establishment shall rekey,  
32 change the combination of, alter, or install any automotive locks.

33 (7) The retail establishment shall not have on its premises any  
34 locksmith tool, as defined in subdivision (s) of Section 6980, other  
35 than the following:

36 (A) Standard key duplication machines.

37 (B) Key blanks.

38 (C) Pin kits.

39 (g) Any law enforcement officer employed by any city, county,  
40 city and county, state, or federal law enforcement agency, if all

1 services are performed during the course of the officer's  
2 professional duties.

3 (h) Firefighters or emergency medical personnel employed by  
4 any city, county, city and county, district, or state agency, if all  
5 services are performed during the course of duties as a firefighter  
6 or emergency medical person.

7 (i) A new motor vehicle dealer, as defined in Section 426 of the  
8 Vehicle Code, and employees of a new motor vehicle dealer acting  
9 within the scope of employment at a dealership.

10 *SEC. 2. This act is an urgency statute necessary for the*  
11 *immediate preservation of the public peace, health, or safety within*  
12 *the meaning of Article IV of the Constitution and shall go into*  
13 *immediate effect. The facts constituting the necessity are:*

14 *In order to assure prompt access to, and the ability to promptly*  
15 *secure, residential and business properties using alarm systems*  
16 *with automated locking features, it is necessary that this act take*  
17 *effect immediately.*

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20 **All matter omitted in this version of the bill**  
21 **appears in the bill as amended in the**  
22 **Assembly, May 6, 2013. (JR11)**  
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